

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

**FILED**

OCT 23 2008

BILLY MONROE HICKS,

Plaintiff,

v.

JUSTIN JONES,

Defendant(s).

By William B. Guthrie  
Clerk, U.S. District Court  
Deputy Clerk

No. CIV 08-228-RAW

**ORDER GRANTING LEAVE TO PROCEED IN FORMA PAUPERIS**


Plaintiff, a prisoner seeking to commence an appeal to the Tenth Circuit Court of Appeals, has filed a motion to proceed *in forma pauperis* and supporting affidavit in conformance with 28 U.S.C. § 1915(a). Having reviewed the motion, the Court finds Plaintiff lacks sufficient funds in his institutional accounts with which to prepay the filing fee or pay an initial partial filing fee, and he is entitled to proceed without full prepayment of the filing fee. The motion, therefore, is GRANTED. However, pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff shall be required to pay the full \$455.00 filing fee as set forth below.

**IT IS HEREBY ORDERED** that Plaintiff shall make monthly payments of 20 percent of the preceding month's income credited to his or her prison account(s) until the total filing fee of \$455.00 has been paid. 28 U.S.C. § 1915(b)(2). The agency having custody of Plaintiff is hereby directed to collect and forward the monthly payments to the Clerk of the Court when Plaintiff's prison account(s) exceed \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

**IT IS FURTHER ORDERED** that the Clerk of the Court send a copy of this order

to Plaintiff's custodian and the trust fund officer at Plaintiff's institution.

IT IS SO ORDERED this 23<sup>rd</sup> day of October 2008.

  
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RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE